

1 BILL NO. Z-87-08-12

2 ZONING MAP ORDINANCE NO. Z-Lash

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. J-27.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated a B-1-A (Limited Business) District under
9 the terms of Chapter 33 of the Code of the City of Fort
10 Wayne, Indiana of 1974:

11 The West 95 feet of Lot Number 55 in Liberty Gardens
12 Addition to the City of Fort Wayne,

13 and the symbols of the City of Fort Wayne Zoning Map No. J-
14 27, as established by Section 11 of Chapter 33 of the Code
15 of the City of Fort Wayne, Indiana are hereby changed
16 accordingly.

17 SECTION 2. That this Ordinance shall be in full force
18 and effect from and after its passage and approval by the
19 Mayor.

20
21 Charles B. Redd
22 Councilmember

23 APPROVED AS TO FORM AND LEGALITY:

24 Bruce O. Boxberger
25
26
27
28
29
30
31
32 BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Redd
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort W
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M.

DATE: 8-11-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Stier, and duly adopted, placed on
passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>1</u>	<u>7</u>		<u>1</u>	
<u>BRADBURY</u>		<u>✓</u>			
<u>BURNS</u>	<u>✓</u>				
<u>EISBART</u>		<u>✓</u>			
<u>GiaQUINTA</u>		<u>✓</u>			
<u>HENRY</u>				<u>✓</u>	
<u>REDD</u>		<u>✓</u>			
<u>SCHMIDT</u>		<u>✓</u>			
<u>STIER</u>		<u>✓</u>			
<u>TALARICO</u>		<u>✓</u>			

DATE: 9-22-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____

on the _____ day of _____, 19____

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the _____ day of _____, 19____
at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

WIN MOSES, JR., MAYOR

RECEIPT

No 2717

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7-17 1987

RECEIVED FROM

Wale Frueburger

\$

50.00

THE SUM OF

fifty & 00/100

100

DOLLARS

ON ACCOUNT OF

2316 Fairbairn
R. 3 to B-1-A
for B.

AUTHORIZED SIGNATURE

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We KKYS, INC. Ellen Donoghue - Karen McClain - Kathy Freiburg
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-3 District to a/an B-1-A District the property described as follows:

The West 95 Feet of Lot Number 55 in Liberty Gardens Addition to the City of Fort Wayne

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

2316 Lowerhuntington Road
Ft. WAYNE IN 46819

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

William H. Herman
Eleanor L. Herman
(Name)

RR3 Box 560
ANGOLA IN 46703
(Address)

William H. Herman
Eleanor L. Herman
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____ (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

WILLIAM H HERMAN	RR#3 Box 560	William H Herman
ELEANOR L. HERMAN	ANGOLA IND. 46703	Eleanor L Herman
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 11, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-08-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 17, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

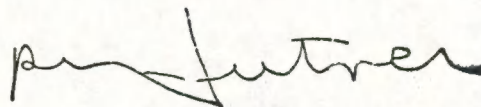
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 24, 1987.

Certified and signed this
9th day of September 1987.



Robert Hutner
Secretary

TITLE OF ORDINANCE _____ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____ 2316 Lower Huntington Road

3-87-08-12

EFFECT OF PASSAGE _____ Property is presently zoned R-3 - Multi Family Residential.
_____ Property will become B-1-A - Limited Business District.

EFFECT OF NON-PASSAGE _____ Property will remain R-3 - Multi Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From R-3 to B-1-A

DETAILS

Specific Location and/or Address 2316 Lower Huntington Road
Reason for Project Beauty Salon
Discussion (Including relationship to other Council actions) <u>17 August 1987 - Public Hearing</u> Sherry Donaghy, representing the petitioners stated that they wanted to put a styling salon in the property. She stated they would have approximately 13 parking spaces to the front of the property. She stated they might also put an office space in the rear of the building. Tom Donaghy, stated that he felt the type of use they were proposing would be more attractive than multi-family, which is allowed in the present zoning. David Hart, 6617 Liberty Drive, stated that he was concerned about the traffic at this location. He stated it is already difficult to get through the intersection because of the heavy traffic. He stated another business would only add to the congestion. Sherry Donaghy stated in rebuttal that they feel they will upgrade the property with their proposal. She stated it is presently an eyesore and felt what they wanted to do would be a benefit to the community.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/Proponents	Applicant(s) KKGS Inc City Department Other
Opponents	Groups or Individuals David Hart, 6617 Liberty D Basis of Opposition -would add to traffic congestion
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -would encourage similar requests & allow commercial encroachment in residential area
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

24 August 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 9 members present 8 voted in favor of the motion one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 17 July 1987

Projected Completion or Occupancy

Date 9 September 1987

Fact Sheet Prepared by

Patricia Biancaniello

Date 9 September 1987

Reviewed by

Gary Baer

Reference or Case Number

Date 9/9/87

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-3 DISTRICT TO A B-1-A DISTRICT.

COUNCIL MANIC DISTRICT NO. 5



R1 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT
B3B GENERAL BUSINESS 'B'

☐ SINGLE FAMILY
☒ COMMERCIAL
☒ PUBLIC-CHURCH

SCALE: 1" = 100'

DATE: 7-29-87



BILL NO. Z-87-08-12

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. J-27

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) Do Not Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN 9-22-87

SANDRA E. KENNEDY
CITY CLERK